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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Federico Betto

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08/04/2009

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EXAMINER

GALLEG0, ANDRES F

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

08/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,900	Applicant(s) BETTO ET AL.	
	Examiner ANDRES GALLEG0	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-48 is/are pending in the application.
- 4a) Of the above claim(s) 33-37, 46 and 47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-32, 38-45 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/10/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species 1 of Figures 1-6 in the reply filed on 5/13/2009 is acknowledged.

Claims 33-37, 46, and 47 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/13/2009.

Examiner notes making a typographical error when including claim 46 into the elected species 1. Claim 46 is really supposed to fall under species 6, which was mentioned in the written Election/Restriction requirement.

Information Disclosure Statement

The information disclosure statement filed 1/10/2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Foreign patent document DE 1911903 does not have a legible copy cited.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "11" has been used to designate both a wall (Figure 3) and an upper panel (Figures 4 and 5, but designated as "18" in Figure 1, and Page 7 Line 4

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of the Specification). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of the reference numbers used to describe different parts. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 19 and 40 are objected to because of the following informalities:

Claim 19 Line 2 contains a typographical error and should be rewritten as "... a rear part connected to a pair of opposing parts..."

Claim 40 should include a space between "39" and "wherein" found in line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 19 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 19, it is unclear what “one other module” is when only one module is recited in claim 19 as “a U-shaped module” in line 2. There is nothing in the specification on “one other module”. In view of claim 24, which defines the “one other module”, claim 19 is still indefinite because it implies that the “one other module” is something different from the top closure wall, the bottom closure wall, or a base.

Appropriate correction is required.

Regarding claim 36, the elected invention does not adequately describe at least two U-shaped modules arranged vertically in the drawings or the specification.

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 19 in view of claim 24, which defines the “one other module”, claim 19 is still indefinite because it implies that the “one other module” is something different from the top closure wall, the bottom closure wall, or a base. Appropriate correction is required.

Claim 48, line 3, does not adequately describe which closure wall (whether it's the top, bottom, or intermediate closure wall) is being referred to. Appropriate correction is required.

Claim Rejections - 35 USC § 102

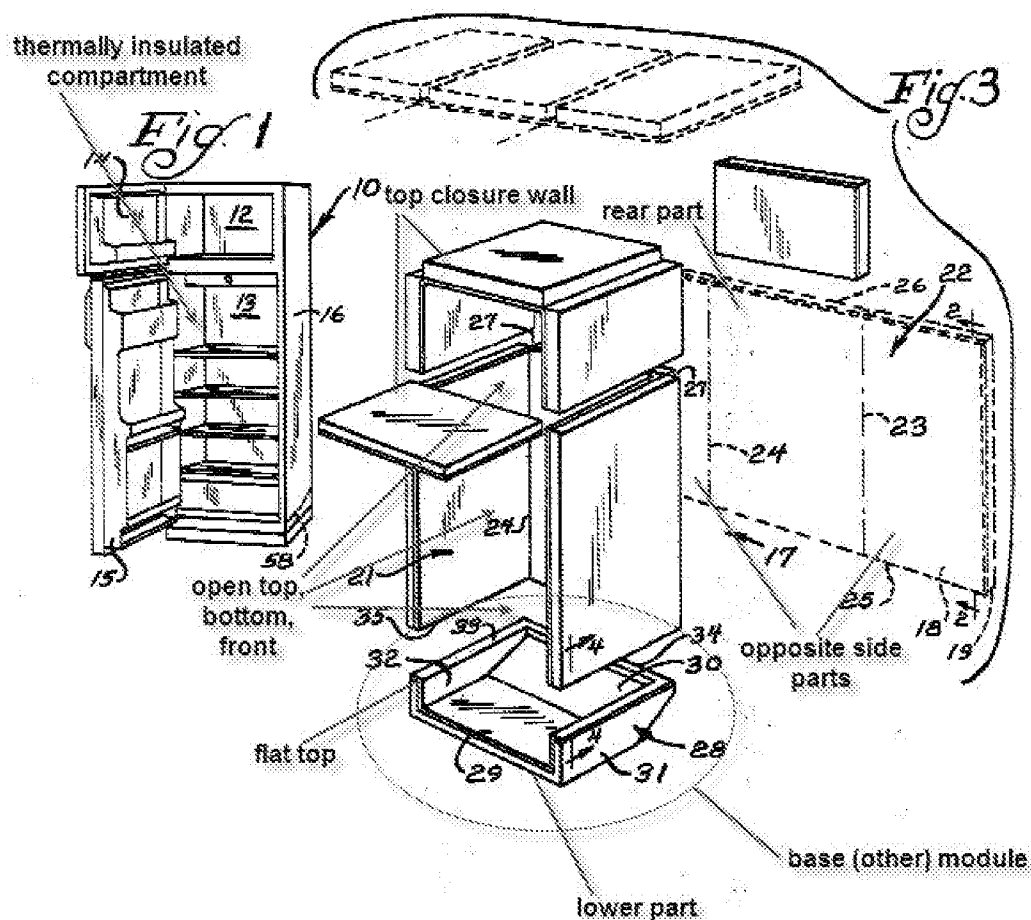
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Haag et al. (US 4006947).

Regarding claim 19, Haag discloses a modular refrigeration and freezer appliance (10) comprising a U-shaped module (21) having a rear part (see annotated Figure 3) connected to a pair of opposing side parts (see annotated Figure 3) and an open top, bottom, and front (see annotated Figure 3); a top closure wall (see annotated Figure 3) closing the top open of the U-shaped module (Figure 3); a bottom closure wall (29) closing the open bottom of the U-shaped module; a door (15) adapted to selectively close the open front of the U-shaped module, wherein the U-shaped module, the top closure wall, the bottom closure wall, and the door define a thermally insulated compartment (see annotated Figure 1); a reversible connector (49) between the U-shaped module and at least one other module (see annotated Figure 3).



Haag et al. (US 2514631) - Figures 1 and 3

Regarding claim 24, Haag discloses the appliance (10) wherein the at least one other module comprises the bottom closure wall (29), or a base module (28).

Regarding claim 25, Haag discloses the appliance (10) wherein the at least one other module comprises the base (28) having a lower part (see annotated Figure 3) and a pair of parallel lateral walls (31, 32) extending perpendicularly from the lower part and having a flat top (see annotated Figure 3) with a portion of the reversible connector (49) (Figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer (US 6657861).

Regarding claim 20, Haag discloses the claimed invention except for one of the top and bottom closure walls comprising horizontal flat panels provided with an opening with enable energy, cables, pipes, liquid, and gases to pass. Irmer teaches a bottom closure wall (8) comprising a horizontal flat panel (31) provided with an opening (17) capable of enabling energy, cables, pipes, liquids, and gases to pass as shown in Figures 1, 6a, and 7. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bottom closure wall of Haag by mounting a horizontal flat panel and opening as taught by Irmer, since such a modification would allow passage from one compartment to the next via the closure walls.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer, and in further view of Laraia, Jr. (US 6047647).

Regarding claim 21, Haag, modified by Irmer, discloses the claimed invention except for the reversible connector comprising a rectilinear profiled guide and a corresponding counter glide. Laraia teaches a reversible connector (26, 28) comprising a rectilinear profiled glide (28) and a corresponding counter glide (26) as shown in

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Figure 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reversible connector of Haag, modified by Irmer, by mounting a reversible connector having a rectilinear profiled glide and a corresponding counter glide as taught by Laraia, since such a modification would provide a more secure connection between the U-shaped module and the other module.

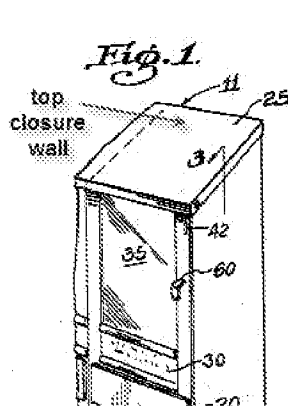
Regarding claim 22, Haag, modified by Irmer, discloses the claimed invention except for the glide comprising an inverted double L shape. Laraia teaches the glide (28) comprising an inverted double L shape as shown in Figure 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reversible connector of Haag, modified by Irmer, by mounting a reversible connector having a glide comprising an inverted double L shape as taught by Laraia, since such a modification would provide a more secure connection between the U-shaped module and the other module.

Regarding claim 23, Haag, modified by Irmer, discloses the claimed invention except for the counter-glide comprising a T shape. Laraia teaches the counter-glide (26) comprising a T shape as shown in Figure 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reversible connector of Haag, modified by Irmer, by mounting a reversible connector having a counter-glide comprising a T shape as taught by Laraia, since such a modification would provide a more secure connection between the U-shaped module and the other module.

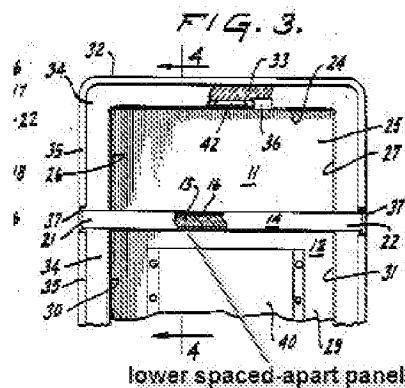
Claims 26, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer, and in further view of R.E. Elvers (US 2514631) and H.E. Smith (US 3038769).

Regarding claim 26, Haag, modified by Irmer, does not disclose at least one of the top and bottom closure walls comprising a U-shaped profile bar and at least two spaced-apart panels, wherein the U-shaped profile bar and the panels define a compartment containing insulating material.

Elvers teaches top closure wall (see annotated Figure 1) comprising a U-shaped profile bar (19) as shown in Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Irmer, by mounting a U-shaped profile bar between the U-shaped module and the top closure wall as taught by Elvers, since such a modification would provide a more secure connection between the U-shaped module and the top closure wall.



Elvers (US 2514631) - Figure 1



Smith (US 3038769) - Figure 3

Smith teaches a top closure wall (14) comprising two spaced-apart panels (16, see annotated Figure 3) as shown in Figures 1-5, which when combined with the U-

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shaped profile bar of Elvers, the panels define a compartment containing insulating material (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Irmer and Elvers, by mounting two spaced apart panels with insulation as taught by Smith, since such a modification would help keep the compartment to the U-shaped module better insulated.

Regarding claim 27, Haag, modified by Irmer, discloses the claimed invention except for the U-shaped profile bar comprising guide slots that receive the panels. Elvers teaches the U-shaped profile bar (19) comprising guided slots (24) that receive panels (25) as shown in Figures 1-3a. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Irmer, by mounting a U-shaped profile bar with guided slots as taught by Elvers, since such a modification would provide a more secure connection between the U-shaped module and the top closure wall.

Regarding claim 29, Haag, modified by Irmer, discloses the claimed invention except for the top closure wall comprising a U-shaped profile bar coupled to a lower panel and an upper panel, wherein the U-shaped profile bar and the upper and lower panels define a compartment containing insulating material, and the upper panel comprising a connector for connection to the U-shaped profile bar.

Elvers teaches a top closure wall (see annotated Figure 1) comprising a U-shaped profile bar (19) coupled to an upper panel (25) comprising a connector (24a) for connection to the U-shaped profile bar as shown in Figures 1-3a. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Irmer, by mounting a U-shaped profile bar coupled to an upper panel as taught by Elvers, since such a modification would provide a more secure connection between the U-shaped module and the top closure wall.

Smith teaches a top closure wall (14) comprising an upper (16) and lower panel (see annotated Figure 3) as shown in Figures 1-5, which when combined with the U-shaped profile bar of Elvers, the panels define a compartment containing insulating material (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Irmer and Elvers, by mounting a lower panel with insulation as taught by Smith, since such a modification would help keep the compartment to the U-shaped module better insulated.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer, and in further view of Wolf et al. (US 6485122).

Regarding claim 28, Haag, modified by Irmer, discloses the appliance (10) wherein the U-shaped module (21) comprises a pair of spaced-apart plate-like parts (18,20) defining a compartment for insulating material (19).

Haag, modified by Irmer, does not disclose the spaced-apart plate-like parts received by seats in the top and bottom closure walls to define a compartment for insulating material. Wolf teaches spaced-apart plate-like parts (15,16) received by seats (26,34) in a closure wall (11) to define a compartment for insulating material (18) as

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shown in Figures 1 and 2, the seats capable of being in a top and bottom closure wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the U-shaped module and the top and bottom closure walls of Haag, modified by Irmer, by mounting seats along the surfaces of the closure walls that contact the U-shaped module as taught by Wolf, since such a modification would provide a more secure connection between the U-shaped module and the top and bottom closure walls.

Claim 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Irmer, and in further view of Gidseg et al. (US 4774740).

Regarding claim 30, Haag, modified by Irmer, does not disclose the at least one other module comprising a seat and a hinge module removably received in the seat, wherein the seat and the hinge module comprise cooperating couplers. Gidseg teaches a module (16) comprising a seat (64) and a hinge module (70) removably received in the seat (Figures 9 and 10), wherein the seat and the hinge module comprise cooperative couplers (80) as shown in Figures 9 and 10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the other module of Haag, modified by Irmer, by mounting a seat and hinge module with cooperating couplers as taught by Gidseg, since such a modification would allow for a removable door to be placed to close off the front opening of the refrigeration appliance.

Regarding claim 31, Haag, modified by Irmer, does not disclose the cooperating couplers comprising dovetail-shaped guides. Gidseg teaches the cooperating couplers (80) comprising dovetail-shaped guides (74, 78, 90, 66) as shown in Figures 9 and 10. It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the other module of Haag, modified by Irmer, by mounting a seat and hinge module with dovetail-shaped cooperating couplers as taught by Gidseg, since such a modification would ensure a snug fit between the couplers and the seat and hinge module configuration.

Regarding claim 32, Haag, modified by Irmer, does not disclose the door comprising a hinge pin, and the hinge module including holes to receive the hinge pin. Gidseg teaches a door (14) comprising a hinge pin (96) and the hinge module (70) including holes (74, 66) to receive the hinge pin as shown in Figures 9 and 10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the door (15) of Haag, modified by Irmer, by mounting a hinge pin via holes in a hinge module as taught by Gidseg, since such a modification would allow for the door to rotate about the hinge pin when installed into the hinge module.

Claims 38 and 48, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Schellenberg (US 2005/0077806).

Regarding claim 38, Haag discloses a modular refrigeration and freezer appliance (10) comprising a U-shaped module (21) having a rear part (see annotated Figure 3) connected to a pair of opposing side parts (see annotated Figure 3) and an open top, bottom, and front (see annotated Figure 3); a top closure wall (see annotated Figure 3) closing the top open of the U-shaped module (Figure 3); a bottom closure wall (29) closing the open bottom of the U-shaped module; a door (15) adapted to selectively

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close the open front of the U-shaped module, wherein the U-shaped module, the top closure wall, the bottom closure wall, and the door define a thermally insulated compartment (see annotated Figure 1); a reversible connector (49) between the U-shaped module and at least one other module (28).

Haag does not disclose at least two U-shaped modules, with a top closure wall closing the open top of the uppermost U-shaped module; a bottom closure wall closing the open bottom of the bottommost U-shaped module; or a reversible connector between the two U-shaped modules. Schellenberg teaches at least two U-shaped modules (13,14), with a top closure wall (12) closing the open top of the uppermost U-shaped module (14), a bottom closure wall (10) closing the open bottom of the bottommost U-shaped module (13), and a reversible connector (19) between the U-shaped modules as shown in Figures 1-3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the U-shaped module and reversible connector of Haag by mounting two vertically stacked U-shaped modules with an additional reversible connector between the modules as taught by Schellenberg, since such a modification would provide the option of having separate compartments within the interior space of the refrigeration appliance.

Regarding claim 48, Haag, modified by Schellenberg, discloses the claimed invention except for an intermediate closure wall between the at least two U-shaped modules, and the reversible connector coupling the at least two U-shaped modules to the closure wall. Schellenberg teaches an intermediate closure wall (11) between the at least two U-shaped modules (13,14), and the reversible connector (19) coupling the at

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least two U-shaped modules to the closure wall as shown in Figure 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the U-shaped module of Haag, modified by Schellenberg, by mounting an intermediate closure wall between two U-shaped modules as taught by Schellenberg, since such a modification would provide the option of having separate compartments within the interior space of the refrigeration appliance.

Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Schellenberg, and in further view of Laraia, Jr. (US 6047647).

Regarding claim 39, Haag, modified by Schellenberg, discloses the claimed invention except for the reversible connector comprising a rectilinear profiled guide and a corresponding counter glide. Laraia teaches a reversible connector (26, 28) comprising a rectilinear profiled glide (28) and a corresponding counter glide (26) as shown in Figure 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reversible connector of Haag, modified by Schellenberg, by mounting a reversible connector having a rectilinear profiled glide and a corresponding counter glide as taught by Laraia, since such a modification would provide a more secure connection between the U-shaped modules.

Regarding claim 40, Haag, modified by Schellenberg, discloses the claimed invention except for the glide comprising an inverted double L shape. Laraia teaches the glide (28) comprising an inverted double L shape as shown in Figure 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reversible connector of Haag, modified by Schellenberg, by mounting a

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reversible connector having a glide comprising an inverted double L shape as taught by Laraia, since such a modification would provide a more secure connection between the U-shaped modules.

Regarding claim 41, Haag, modified by Schellenberg, discloses the claimed invention except for the counter-glide comprising a T shape. Laraia teaches the counter-glide (26) comprising a T shape as shown in Figure 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the reversible connector of Haag, modified by Schellenberg, by mounting a reversible connector having a counter-glide comprising a T shape as taught by Laraia, since such a modification would provide a more secure connection between the U-shaped modules.

Claims 42, 43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Schellenberg, and in further view of R.E. Elvers and H.E. Smith.

Regarding claim 42, Haag, modified by Schellenberg, does not disclose at least one of the top and bottom closure walls comprising a U-shaped profile bar and at least two spaced-apart panels, wherein the U-shaped profile bar and the panels define a compartment containing insulating material.

Elvers teaches top closure wall (see annotated Figure 1) comprising a U-shaped profile bar (19) as shown in Figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Schellenberg, by mounting a U-shaped profile bar between the U-shaped

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module and the top closure wall as taught by Elvers, since such a modification would provide a more secure connection between the top U-shaped module and the top closure wall.

Smith teaches a top closure wall (14) comprising two spaced-apart panels (16, see annotated Figure 3) as shown in Figures 1-5, which when combined with the U-shaped profile bar of Elvers, the panels define a compartment containing insulating material (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Schellenberg and Elvers, by mounting two spaced apart panels with insulation as taught by Smith, since such a modification would help keep the compartment to the U-shaped modules better insulated.

Regarding claim 43, Haag, modified by Schellenberg, discloses the claimed invention except for the U-shaped profile bar comprising guide slots that receive the panels. Elvers teaches the U-shaped profile bar (19) comprising guided slots (24) that receive panels (25) as shown in Figures 1-3a. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Schellenberg, by mounting a U-shaped profile bar with guided slots as taught by Elvers, since such a modification would provide a more secure connection between the U-shaped module and the top closure wall.

Regarding claim 45, Haag, modified by Schellenberg, does not disclose the top closure wall comprising a U-shaped profile bar coupled to a lower panel and an upper panel, wherein the U-shaped profile bar and the upper and lower panels define a

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compartment containing insulating material, and the upper panel comprising a connector for connection to the U-shaped profile bar.

Elvers teaches top closure wall (see annotated Figure 1) comprising a U-shaped profile bar (19) coupled to an upper panel (25) comprising a connector (24a) for connection to the U-shaped profile bar as shown in Figures 1-3a. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Schellenberg, by mounting a U-shaped profile bar coupled to an upper panel as taught by Elvers, since such a modification would provide a more secure connection between the top U-shaped module and the top closure wall.

Smith teaches a top closure wall (14) comprising an upper (16) and lower panel (see annotated Figure 3) as shown in Figures 1-5, which when combined with the U-shaped profile bar of Elvers, the panels define a compartment containing insulating material (15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the top closure wall of Haag, modified by Schellenberg and Elvers, by mounting a lower panel with insulation as taught by Smith, since such a modification would help keep the compartment to the U-shaped modules better insulated.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haag in view of Schellenberg, and in further view of Wolf et al. (US 6485122).

Regarding claim 44, Haag, modified by Schellenberg, discloses the appliance (10) wherein the U-shaped modules (21) comprise a pair of spaced-apart plate-like parts (18,20) defining a compartment for insulating material (19).

Haag, modified by Schellenberg, does not disclose the spaced-apart plate-like parts received by seats in the top and bottom closure walls to define a compartment for insulating material. Wolf teaches spaced-apart plate-like parts (15,16) received by seats (26,34) in a closure wall (11) to define a compartment for insulating material (18) as shown in Figures 1 and 2, the seats capable of being in a top and bottom closure wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the U-shaped modules and the top and bottom closure walls of Haag, modified by Schellenberg, by mounting seats along the surfaces of the closure walls that contact the U-shaped module as taught by Wolf, since such a modification would provide a more secure connection between the U-shaped module and the top and bottom closure walls.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Hwang (US 5921646), Kuwahara et al. (US 5269602), Silva et al. (US 5199273), Brace (US 2247904), Gottesman (US 5624118), Johnson et al. (US 4426120), Jenkins et al. (US 5909937), Thomas et al. (US 6012790), Cook (US 2300405), Beatty et al. (US 5666764), Luvara et al. (US 3807572), Pittman (US 5527103), Tarter et al. (US 4729183), Kaplan et al. (US 6932443), Welsch et al. (US 6918341), Fanger et al. (US 5775046), and Miller (US 4504168).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRES GALLEGO whose telephone number is (571)270-7630. The examiner can normally be reached on Monday - Friday, 7:30 AM - 5:00 PM EST (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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